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ATTENTION: Examiner C. Rodriguez, Art Unit 3763

DATE: Nov. 11, 2004

COMPANY: PTO

FACSIMILE NO.: 703-872-9306

FROM: Brian S. Tomko

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COMMENTS: Re: 09/863,135  
Our Ref.: HRT0241

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1<sup>st</sup> Supp. IDS/Form1449 submitted 8/18/04 - 7 pages

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Docket No. HRT0241

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : St. Goar et al.

Serial No. : 09/863,135 Art Unit: 3763

Filed : May 22, 2001 Examiner: C. Rodriguez

For :

I hereby certify that this correspondence is being facsimile transmitted  
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November 11, 2001

(Date)

Brian S. Tomko

Name of applicant, assignee, or Registered Representative

(Signature)

November 11, 2001

(Date of Signature)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

COMMUNICATION

Dear Sir:

Enclosed with this Request for Continued Examination is the  
1<sup>st</sup> Supplemental IDS/Form 1449 submitted on August 18, 2004.

Under separate cover, a 2<sup>nd</sup> Supplemental IDS/Form 1449 and  
foreign references will be filed.

Respectfully submitted

  
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PTO/SB/30 (08-00)

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**REQUEST  
FOR  
CONTINUED EXAMINATION  
(RCE)  
TRANSMITTAL**

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995.  
See The American Inventors Protection Act of 1999 (AIPA).

<i>Application Number</i>	09/863,135
<i>Filing Date</i>	5/22/01
<i>First Named Inventor</i>	Frederick G. St. Goar
<i>Group Art Unit</i>	3763
<i>Examiner Name</i>	C. Rodriguez
<i>Attorney Docket Number</i>	HRT0241

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

*NOTE:* 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 28, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.63 (d) (PTO/SB/28). Instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

**1. Submission required under 37 C.F.R. § 1.114**

- a.  Previously submitted
  - i.  Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on (any unentered amendment(s) referred to above will be entered).
  - ii.  Consider the arguments in the Appeal Brief or Reply Brief previously filed on
- iii.  Other IDS submitted on 8/18/04
- b.  Enclosed
  - i.  Amendment/Reply
  - ii.  Affidavit(s)/Declaration(s)
  - iii.  Information Disclosure Statement (IDS) + foreign references
  - iv.  Other Communication

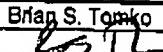
**2. Miscellaneous**

- a.  Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(l) required.)
- b.  Other

**3. Fees** - The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed

- a.  The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 10-0780.
  - i.  RCE fee is required under 37 C.F.R. § 1.17(e)
  - ii.  Extension of Time (37 C.F.R. §§ 1.136 and 1.17)
  - iii.  Other
- b.  Check in the amount of \$ \_\_\_\_\_ enclosed
- c.  Payment by credit card (Form PTO-2038 enclosed)

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (print/type)	Brian S. Tomko	Registration No.	41,349
Signature		Date	11/11/04

**CERTIFICATE OF MAILING OR TRANSMISSION**

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Name (print/type)	Brian S. Tomko	Date	11/11/04
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